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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

B.B., a minor by and through her mother, Chelsea Boyle,

Plaintiffs,

V

CAPISTRANO UNIFIED SCHOOL DISTRICT; JESUS BECERRA, an individual in his individual and official capacities; CLEO VICTA, an individual in her individual and official capacities; and DOES 1 through 50, inclusive.

Defendants.

CASE NO. 8:23-cv-00306-DOC-ADS

*Assigned for All Purposes to:
Hon. David O. Carter – Courtroom 10A*

**DECLARATION OF AMBER R.
TERRY IN OPPOSITION OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT, OR
ALTERNATIVELY, SUMMARY
ADJUDICATION OF ISSUES**

Hearing Date:

Date: February 12, 2024

Time: 8:30 a.m.

Dent : 10A

Trial Date: March 12, 2024

Complaint Filed: February 21, 2023

DECLARATION OF AMBER R. TERRY

I, AMBER R. TERRY, do declare and state as follows:

1. I am an attorney at law duly authorized to practice before this Court. I am an attorney at Heath Law, PLLC, attorneys for Plaintiff, B.B., (“Plaintiff”) in this action. I have personal knowledge of the facts stated herein, except those stated upon information and belief, and as to those matters, I believe them to be true. If called upon to testify to the matters herein, I would competently do so.
 2. On information and belief, partial video footage was taken of the incident that occurred on August 23, 2022. A true and correct copy of the relevant footage is attached hereto as Exhibit A.
 3. The deposition of Plaintiff B.B. Vol 1 was taken on October 5, 2023. A true and correct copy of relevant portions of Plaintiff’s deposition transcript is attached hereto as Exhibit B.
 4. The deposition of Plaintiff B.B. Vol 2 was taken on November 6, 2023. A true and correct copy of relevant portions of Plaintiff’s deposition transcript is attached hereto as Exhibit C.
 5. The deposition of Jesus Becerra was taken on October 11, 2023. A true and correct copy of relevant portions of Plaintiff’s deposition transcript is attached hereto as Exhibit D.
 6. The deposition of Cleo Victa was taken on October 11, 2023. A true and correct copy of relevant portions of Plaintiff’s deposition transcript is attached hereto as Exhibit E.
 7. The deposition of Cathy Clay was taken on October 5, 2023. A true and correct copy of relevant portions of Plaintiff’s deposition transcript is attached hereto as Exhibit F.
 8. A true and correct copy of relevant portions of Plaintiff’s Responses to

- 1 Cleo Victa's Interrogatories, Set One are attached hereto as Exhibit G.
- 2 9. On information and belief, a true and correct copy of Capistrano Unified
3 School District's Board Policy 5184(a): FREEDOM OF
4 SPEECH/EXPRESSION: PUBLICATIONS CODE is attached hereto as
5 Exhibit H.
- 6 10. A true and correct copy of the Tort Claim that was filed in this case is
7 attached hereto as Exhibit I.
- 8 11. On information and belief, a true and correct copy of the e-mails from
9 Chelsea Boyle, putting CUSD on notice that she would file a lawsuit, is
10 attached hereto as Exhibit J.
- 11 12. A true and correct copy of the Declaration of Ryan Heath, putting CUSD
12 on notice that B.B. would file a lawsuit, is attached hereto as Exhibit K.
- 13 13. On information and belief, a true and correct copy of B.B.'s drawing is
14 attached hereto as Exhibit L.
- 15 14. On information and belief, true and correct copies of photos depicting
16 B.B.'s manifestation of physical injuries in this case are attached hereto as
17 Exhibit M.
- 18 15. On information and belief, a true and correct copy of text messages from
19 Jen Owen, another parent at Viejo Elementary who informed Boyle about
20 the incident between Becerra and B.B. on March 31, 2021, as Exhibit N.

21 DATED: January 22, 2024 **HEATH LAW, PLLC**

24 By: /s/ Amber R. Terry

25 **AMBER R. TERRY**
26 *Attorney for Plaintiff*